

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FREDDIE FOUNTAIN §
VS. § CIVIL ACTION NO. 6:15cv011
UNITED STATES OF AMERICA, ET AL §

MEMORANDUM OPINION AND ORDER

Plaintiff Freddie Fountain, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. On March 28, 2016, the Plaintiff filed a letter motion seeking to voluntarily dismiss the lawsuit (docket entry #20). A plaintiff is entitled to voluntarily dismiss a case before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1). The Defendant has not filed an answer nor a motion for summary judgment in this case. The motion to dismiss should be granted.

It is accordingly

ORDERED that Plaintiff's Motion for Voluntary Dismissal (docket entry #20) is hereby **GRANTED**. It is further

ORDERED that Plaintiff's complaint is hereby **DISMISSED WITHOUT PREJUDICE** It is finally

ORDERED that any motion not previously or otherwise ruled on herein is hereby **DENIED**.

SIGNED this 12th day of April, 2016.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE